

DOCKET NO.: P02477US2 (049-R2-US)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner For Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Steven L. Wright, Thomas B. Brumback, Jr.,
William S. Niebur, Roland Welle

For (title): **NEAR INFRARED SPECTOMETRY FOR REAL
TIME ANALYSIS OF SUBSTANCES**

1. **Type of Application** -- This new application is for a(n):

- ☐ Original
- ☐ Design
- ☐ Divisional.
- ☐ Continuation.
- ☒ Continuation-in-part (C-I-P)

=====

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 with sufficient postage:

☐ as first class mail

☒ as "Express Mail Post Office to Addressee" Mailing Label No. EL327118165US

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office

Date: May 10, 1998

Wanda R. Webb
Wanda R. Webb

2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. 119(e), 120, or 121)



- ☒ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. **Papers Enclosed**

A. Required For Filing Date Under 37 CFR § 1.53(b)
(Regular) or 37 CFR § 1.153 (Design) Application
23 Pages of specification

6 Pages of claims (Nos. 1-39)

16 Sheets of drawing (Figs. 1-18)

- ☐ The enclosed drawings(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWINGS(S)." 37 C.F.R. 1.84(b).

- ☒ formal
☐ informal

- ☒ identifying information has been placed on back of each sheet of drawings.

B. Other Papers Enclosed

 Pages of declaration and power of attorney

1 Pages of abstract

4. **Additional papers enclosed**

- ☐ Amendment to claims
- ☐ Cancel in this applications claims before calculating the filing fee. (At least one original independent claim must be retained for filling purposed.)
 - ☐ Preliminary Amendment
 - ☐ Information Disclosure Statement (37 CFR 1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
 - ☐ Citations
 - ☐ Other

5. Declaration or oath (including power of attorney)

☐ Enclosed

Executed by

☐ inventor(s).

☐ legal representative of inventor(s).

37 CFR 1.42 or 1.43

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee

☒ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F. R. 1.41(c) on behalf of all above named inventor(s)

(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

☐ Showing that the filing is authorized.
(not required unless called into question.
37 CFR 1.41(d))

6. Inventorship Statement

The inventorship for all the claims in this application are:

☐ The same.

☐ single inventor

☐ joint inventors

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the **last** claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d)

8. Assignment

- ☐ An assignment of the invention to: _____
☐ is attached. A separate ☐ "COVER SHEET FOR
ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT
APPLICATION" or ☐ FORM PTO 1595 is also attached.
- ☒ will follow.

9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are) attached.
☐ will follow.

10. Fee Calculation (37 CFR 1.16)

- A. ☒ Regular Application

CLAIMS AS FILED

Number filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$760.00
Total Claims (37 CFR 1.16(c)) 39-20=	19	X \$18.00	\$ 342.00
Independent Claims (37 CFR 1.16(b)) 4-3=	1	X \$78.00	\$ 78.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))		X \$260.00	

- ☐ Amendment canceling extra claims enclosed.
☐ Amendment deleting multiple-dependencies enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 1,180.00

- B. ☐ **Design Application**
(\$310.00 -- 37 CFR 1.16(f))

Filing Fee Calculation \$ _____

11. Small Entity Statement(s)

- ☐ Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is(are) attached.

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application _____, filed on _____, from which benefit is being claimed for this application under:
35 U.S.C. ☐ 119(e),
☐ 120,
☐ 121,
☐ 365(c),
and which status as a small entity is still proper and desired.
- ☐ A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of **A, B, or C** above) \$ _____

12. Fee Payment Being Made At This Time

- ☐ Not Enclosed
☐ No filing fee is to be paid at this time.
- ☒ Enclosed
- | | |
|--|---------------------------|
| <input checked="" type="checkbox"/> basic filing fee | \$ <u>1,180.00</u> |
| <input type="checkbox"/> recording assignment
(\$40.00; 37 CFR 1.21(h)) | \$ _____ |
| Total fees enclosed | \$ <u>1,180.00</u> |

13. Method of Payment of Fees

- ☒ Check in the amount of \$ 1,180.00 .
- ☐ Charge Account No. 26-00084 in the amount of \$ _____.
A duplicate of this transmittal is attached.

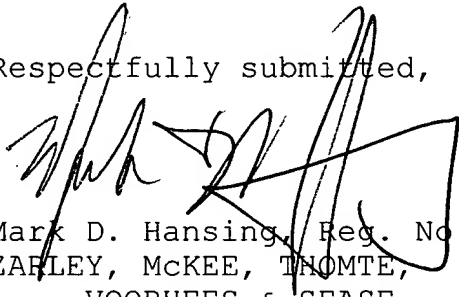
14. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper to Account No. 26-0084:
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
 - ☐ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
 - ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.31(b))

15. Instruction as to Overpayment

- ☐ credit Account No. 26-0084
- ☒ refund

Respectfully submitted,


Mark D. Hansing, Reg. No. 30,643
ZARLEY, McKEE, THOMTE,
VOORHEES & SEASE
Attorneys of Record

801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667 (phone)
515-288-1338 (fax) -wrw-

☒ **Incorporation by reference of added pages**

- ☒ Plus Added Pages For New Application Transmittal Where
Benefit Of Prior U.S. Application(s) Claimed

Number of pages added 4

- ☐ Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New
Application"

Number of pages added _____

GAU 2877 A

05/10/99
15594 U.S. PTO

DOCKET # P02477US1(0479-US-R)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wright, et al. ART UNIT: 2877
SERIAL NO: 09/075,614 EXAMINER: Hantis, K.
FILED: May 11, 1998
TITLE: NEAR INFRARED SPECTROMETRY USED IN COMBINATION
WITH AN AGRICULTURAL IMPLEMENT FOR REAL TIME
RAIN AND FORAGE ANALYSIS

CONDITIONAL PETITION AND FEE FOR EXTENSION OF TIME

Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

This conditional petition is being filed along with the accompanying Continuation-in Part Application and provides for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for the accompanying response is required applicant requests that this be considered a petition therefor.

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CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 with sufficient postage:

☐ as first class mail 37 CFR 1.8(a)

☒ as "Express Mail Post Office to Addressee" Mailing Label No. EL327118165US 37 CFR 1.10

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office

Date: May 10, 1999

Wanda R. Webb
Wanda R. Webb

STATUS

☐ a small entity - verified statement

This application is on behalf of

☐ attached

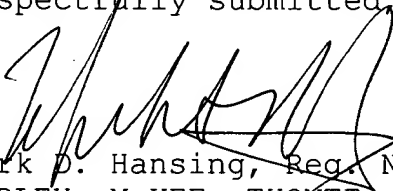
☐ already filed

☒ other than a small entity.

AUTHORIZATION FOR PAYMENT OF FEES

The Commissioner is authorized to charge any fees under 37 CFR 1.17(a) to (d) which may be required by this Conditional Petition to Account #26-0084. A duplicate of this Conditional Petition is attached.

Respectfully submitted


Mark D. Hansing, Reg. No. 30,643
ZARLEY, MCKEE, THOMTE,
VOORHEES & SEASE
Attorneys of Record

801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667 -ftt-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wright, et al. ART UNIT: 2877
SERIAL NO: 09/075,614 EXAMINER: Hantis, K.
FILED: May 11, 1998
TITLE: NEAR INFRARED SPECTROMETRY USED IN COMBINATION
WITH AN AGRICULTURAL IMPLEMENT FOR REAL TIME
RAIN AND FORAGE ANALYSIS

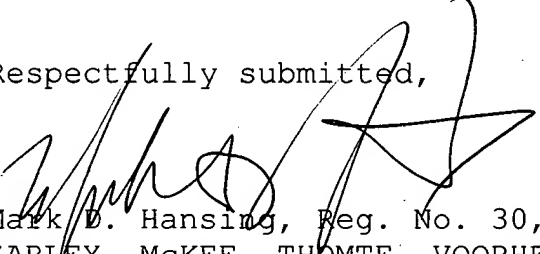
**NOTIFICATION OF FILING OF CONTINUATION-IN-PART
OR DIVISIONAL APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Notification is hereby being made of the filing of a
continuation-in-part application for this case concurrently
herewith.

Respectfully submitted,


Mark D. Hansing, Reg. No. 30,643
ZARLEY, MCKEE, THOMTE, VOORHEES
& SEASE

Attorneys of Record

801 Grand Avenue - Suite 3200
Des Moines, Iowa 50309-2721
515-288-3667 - wrw -
515-282-6778 FAX

=====

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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MAILING

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37 CFR 1.8(a)

☐ as first class mail

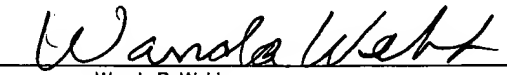
37 CFR 1.10

☒ as "Express Mail Post Office to Addressee" Mailing Label No. EL327118165US

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office

Date: May 10, 1999


Wanda R. Webb

ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF
PRIOR U.S. APPLICATION(S) CLAIMED

16. Relate Back --

- ☒ Amend the Specification by inserting before the first line the sentence:

A. 35 U.S.C. § 119(e)

- ☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

APPLICATION NO(S) .

FILING DATE

B. 35 U.S.C. § 120, 121, and 365(c)

- ☒ "This application is a
- ☐ continuation
 - ☒ continuation-in-part
 - ☐ divisional

of a copending application(s)

- ☒ application number 09/075,614 filed on May 11, 1998, which was a continuation-in-part of application Serial No. 08/807,661 filed on February 27, 1997, now U. S. Patent 5,751,421."
- ☐ International Application _____ filed on _____ and which designated the U.S."
- ☐ "The nonprovisional application designated above, namely application ____/_____, filed _____, claims the benefit of U.S. Provisional Application(s) No(s).:"

APPLICATION NO(S) .:

FILING DATE

- ☒ Where more than one reference is made above, please combine all references into one sentence.

17. Relate Back--35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. no.	Filed on
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The certified copy(ies) has(have)

- ☐ been filed on _____, in prior application
_____/_____, which was filed on _____.
☐ is(are) attached.

18. Maintenance of Copendency of Prior Application

- A.** ☐ Extension of time in prior application
- ☐ A petition, fee and response extends the term in the pending **prior** application until _____.
- ☐ A **copy** of the petition filed in prior application is attached.
- B.** ☒ Conditional Petition for Extension of Time in Prior Application
- ☒ A conditional petition for extension of time is being filed in the pending **prior** application.
- ☒ A copy of the conditional petition filed in the **prior** application is attached.

19. Further Inventorship statement Where Benefit of Prior Application(s) claimed

(complete applicable item (a), (b) and/or (c) below)

- (a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
- ☐ the same.

- ☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

(type name(s) of inventor(s) to be deleted)

- (b) ☒ The application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

☒ the following additional inventor(s) have been added:

Thomas B. Brumback, Jr., William S. Niebur

(type name(s) of inventor(s) to be added)

- (c) The inventorship for all the claims in this application are
- ☐ the same.
- ☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
- ☐ is submitted.
- ☐ will be submitted.

20. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

21. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

(check next item, if applicable)

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

22. Small Entity (37 CFR § 1.28(a))

- ☐ Applicant has established small entity status by the filing of a statement in parent application ____/____ on _____.

☐ A copy of the statement previously filed is included.

23. NOTIFICATION IN PATENT APPLICATION OF THIS FILING

☒ A notification of the filing of this
(check one of the following)

- ☐ continuation
- ☒ continuation-in-part
- ☐ divisional

is being billed in the parent application, from which this
application claims priority under 35 U.S.C. § 120.

**ADDED PAGE(S) FOR APPLICATION TRANSMITTAL WHERE
BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED**

ADDED PAGE 4

ATTORNEY'S DOCKET NO. P02477US2 (0479-R2-US)
EXPRESS MAIL LABEL #EL327118165US
MAILED: May 10, 1999

5

PATENT APPLICATION FOR:

10

TITLE: NEAR INFRARED SPECTROMETRY FOR REAL
TIME ANALYSIS OF SUBSTANCES

15

INVENTORS: Steven L. Wright
551 35th Street
West Des Moines, Iowa 50265 (USA Citizen)

20

Thomas B. Brumback, Jr.
833 N.E. 134th Ave.
Alleman, Iowa 50007 (USA Citizen)

25

William S. Niebur
38 Foster Drive
Des Moines, Iowa 50312 (USA Citizen)

30

Roland Welle
Apensener Strasse 198
P. O. Box 1464
DE-21614
Buxtehude, GERMANY (GERMAN Citizen)

35

CROSS-REFERENCE TO A RELATED APPLICATION

*Sub
A1*
This is a continuation-in-part of copending application
Serial No. 09/075,614 filed May 11, 1998, ^{now U.S. Patent 5,991,025} which was a
continuation-in-part of application Serial No. 08/807,661
40 filed on February 27, 1997, now U.S. Patent 5,751,421.